



*In the City Council, January 19th, in the Year Two Thousand and Seventeen*

Upon the recommendation of Councilor Alisa F. Klein and Councilor Maureen Carney

**R-17.234**

**A Resolution**

**Declaring Northampton a Fair Employment City**

WHEREAS, the residents of and visitors to the City of Northampton annually spends hundreds of thousands of dollars purchasing food, apparel and other goods; and

WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

WHEREAS, ensuring fair employment practices in Northampton provides workers with the rights to which they are entitled under both state and federal law, consumers with the knowledge that those who serve them are treated ethically, and local businesses an enhanced opportunity to make a positive economic and social impact in our communities; and

WHEREAS, ensuring decent working conditions and fair wages for workers is an essential part of investment in local economies and sustainable employment practices; and

WHEREAS, the practice commonly known as “wage theft”- improperly withholding payment from employees and failing to pay them in accordance with state and federal wage and hour laws - harms the well-being of workers, their families, and their communities, as well as the reputation of employers; and

WHEREAS, low income and immigrant workers, and workers who are non-native English speakers are most vulnerable to this practice; and

WHEREAS, workers in the hospitality service industry are also vulnerable to this practice; and

WHEREAS, the misclassification of employees as independent contractors presents one of the most serious problems facing affected workers in the construction industry and misclassified workers often are denied access to critical benefits and protections to which they are entitled, such as the minimum wage, overtime compensation, family and medical leave, unemployment insurance, and safe workplaces; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, the City of Northampton has the opportunity to lead by example and present a model of economic and social responsibility and sustainability, and

WHEREAS, the City of Northampton expresses its support for sustainable and equitable commerce, construction, and economic development; and

WHEREAS, the City desires to ensure that potential and current recipients of licenses issued under G.L. chapter 138 and chapter 140, and recipients of Community Preservation Act funds and Tax Increment Financing comply with applicable wage laws;

WHEREAS, the City of Northampton in its **Buy Local/Buy Fair Resolution** (April 17, 2008), recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to protecting our local business base; and

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts decrees Northampton a "FAIR EMPLOYMENT CITY" in the United States; and

BE IT FURTHER RESOLVED that as authorized under M.G.L. c. 30B and c. 149, Section 44, the City of Northampton should award bids for goods and services and public construction to responsible contractors alone.

BE IT FURTHER RESOLVED that in the City of Northampton, vendors and/or contractors who violate the state and federal wage and hour laws should be deemed not responsible and therefore, should not be awarded contracts from the City of Northampton.

BE IT FURTHER RESOLVED that we endorse an Executive Policy Order addressing these issues with regard to procurement and Tax Increment Financing.

BE IT FURTHER RESOLVED that we call on the City of Northampton License Commission to ensure that applicants for licenses pursuant to M.G.L. c. 138 or M.G.L. c. 140 certify compliance with applicable wage laws.

BE IT FURTHER RESOLVED that we call on the Community Preservation Committee to ensure that applicants for Community Preservation Act funding, as well as any contractors and subcontractors on these publicly-supported projects, certify compliance with applicable wage laws and ensure that contractors used don't have a recent history of wage theft and tax fraud.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the City of Northampton Community Preservation Committee and the City of Northampton License Commission.